

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES-VALLELLANES,

Plaintiff,

v.

CIVIL NO. 97-2459(GAG)

UNITED STATES POSTAL SERVICE,

Defendant.

**ORDER**

As previously ruled upon by the Court, this case is ready to be tried under the directives of the Court of Appeals of the First Circuit limiting the Title VII cause of action “to those discrimination and retaliation allegations in his [plaintiff’s] amended complaint that were previously the subject of a formal EEO complaint. As we [Court of Appeals] read the EEO dismissal letters, this universe is limited to the following three allegations:

1. Morales’s allegation that Job Bid #2541417 was posted with Thursday/Sunday rest days rather than Saturday/Sunday rest days in retaliation for plaintiff’s OSHA complaints;
2. Morales’s allegation of sexual discrimination and retaliation arising from an April 9, 1996 incident in which plaintiff’s duties and responsibilities were awarded to a female employee and he was given window clerk duties to perform;
3. Morales’s allegation that the ‘coffee and lunch breaks’ policy was not applied in an equal and nondiscriminatory matter.”

Morales-Vallellanes v. Potter, 339 F.3d 9, 18 (1<sup>st</sup> Cir. 2003). (Docket No. 344 and 348).

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Plaintiff filed a Notice of Appeal of the Order of this Court limiting testimonial and documentary evidence to the three outstanding claims mentioned above. (Docket No. 349). Plaintiff's Motion to Stay the proceedings pending appeal was Denied. (Docket No. 350 and 351).

In view of the above, the Amended Proposed Pre-Trial Order (Docket No. 352) filed on February 28, 2007, in compliance with the Court's Order, is approved. Nonetheless, plaintiff is appraised that the testimonial and documentary evidence to be presented at the jury trial shall be limited to the three outstanding claims mentioned above, except as otherwise directed by the Court of Appeals for the First Circuit.

**Jury Trial stands as previously set for September 17-21, 2007 at 9:30 AM.**

In San Juan, Puerto Rico, this 1<sup>st</sup> day of March of 2007.

s/CAMILLE L. VELEZ-RIVE  
CAMILLE L. VELEZ-RIVE  
UNITED STATES MAGISTRATE JUDGE